

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:17-cv-00108-MR

ARTHUR LEE GIVENS BEY, IV,)
Plaintiff,)
vs.)
ROBERT HAMILTON,)
Defendant.)

ORDER

THIS MATTER is before the Court on Plaintiff's "Response to Court's Order for October 7, 2020." [Doc. 57].

On September 21, 2020, the parties were ordered to notify the Court within ten (10) days of that Order whether they consent for this Court to hold a judicial settlement conference pursuant to Local Civil Rule 16.3(d) in an effort to settle this matter without a trial. Defendant Hamilton timely responded that he is, in fact, willing to consent to such a conference. [Doc. 54]. Plaintiff, however, did not timely respond to the Court's Order indicating whether he consents. On October 7, 2020, the Court, therefore, ordered that the matter will proceed to trial as set during the first mixed term on or after November 9, 2020 in accordance with the previous Order of this Court [see Doc. 50]. [Doc. 56].

On October 20, 2020, Plaintiff filed the pending response, in which he states that he never received the Court's September 21, 2020 Order directing the parties to advise the Court whether they consent to a judicial settlement conference. [Doc. 57]. In this response, Plaintiff asserts that, “[t]his Court is wrongfully trying to make this Plaintiff feel as if he has intentionally failed to respond to such an ‘Order’ … when the Plaintiff ‘has not’ done so by his own desire, nor will to do other than! …An error has greatly occurred in [his] legal proceedings; that ‘is not’ this Plaintiff’s fault …and, thus, needs to be properly corrected.” [Doc. 57 at 2]. Although Plaintiff does not state his consent to a judicial settlement conference in his response, the Court, out of the abundance of caution, will construe Plaintiff’s response as expressing a request to participate in such a settlement conference. As such, the Court will refer this matter to a United States Magistrate Judge for the purpose of conducting a Judicial Settlement Conference.

ORDER

IT IS THEREFORE ORDERED that this matter is hereby referred to a United States Magistrate Judge for the purpose of conducting a Judicial Settlement Conference. The Magistrate Judge will issue further orders regarding the conduct of the Judicial Settlement Conference.

IT IS FURTHER ORDERED that this matter remains on the trial calendar for the first mixed term on or after November 9, 2020 in accordance with the previous Order of this Court should the matter not settle before trial.

IT IS SO ORDERED.

Signed: October 22, 2020



Martin Reidinger
Chief United States District Judge

